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OCT 25 2017

AIR ENFORCEMENT BRANCH
U.S. EPA REGION 5

CERTIFIED MAIL # 91 7108 2133 3932 1837 0069

October 17, 2017

**Re: Shelly Materials Plant #61
Notice of Violation (NOV)
Air Permit
Pickaway County
0165010128**

Beth Mowrey
P.O. Box 266
Thornville, OH 43076

Subject: Notice of Violation

Dear Ms. Mowrey:

Ohio EPA has reviewed the emissions stack test report for the 300 ton per hour (TPH) batch-mix asphalt plant (P001) at Shelly Materials Plant # 61 (Shelly 61), located in Circleville, Ohio. The tests were performed to determine compliance with the applicable emissions limitations for particulate emissions (PE), sulfur dioxide (SO₂), nitrogen oxide (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC) while burning natural gas. The tests were conducted on August 17, 2017, and were witnessed by Ben Halton of Central District Office (CDO), Division of Air Pollution Control (DAPC).

The tests were performed in accordance with the applicable testing protocols and methodologies, and the results are displayed in the following table:

Pollutant	Emissions Limitation	Test Result Average
PE	0.04 gr/dscf	0.02 gr/dscf
SO ₂	1.38 lb/hr	3.84 lb/hr
NO _x	7.5 lb/hr	4.4 lb/hr
CO	32.41 lb/hr	26.84 lb/hr
VOC	16.78 lb/hr	20.76 lb/hr

Emissions unit P001 operated at an average of 216.2 TPH during the test series which represents 72% of the maximum rated capacity of the asphalt plant.

Please note that the VOC emissions results for the first run of this test series were not accepted as part of this compliance demonstration while the second and third runs were accepted. The VOC test result average identified above represents the average VOC emissions results from runs two and three and should be used to calculate VOC emissions for compliance purposes.

CDO, DAPC has accepted the results submitted on September 28, 2017, as a demonstration of compliance for PE, NO_x and CO emissions from emissions unit P001.

Findings

Based on a review of the emissions test results, Ohio EPA has determined that emissions unit P001 is not in compliance with the permitted allowable SO₂ and VOC emissions limitations. In order to bring your facility into compliance, we recommend promptly addressing these violations within the timeframes outlined in this letter.

1. Ohio Revised Code (ORC) 3704.05(C): *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

The terms and conditions of PTIO P0107564 establish a SO₂ emissions limitation of 1.38 pound per hour (lb/hr) and a VOC emissions limitation of 16.78 lb/hr.

- (a) The emissions test report submitted on September 28, 2017, identified the measured SO₂ emissions rates as follows:

Run #1 – 4.59 lb/hr
Run #2 – 3.30 lb/hr
Run #3 – 3.64 lb/hr
Average – 3.84 lb/hr

The emissions test report submitted on September 28, 2017, identified the measured VOC emissions rates as follows:

Run #1 – dismissed
Run #2 – 20.38 lb/hr
Run #3 – 21.14 lb/hr
Average – 20.76 lb/hr

An exceedance of the SO₂ and VOC emissions limitations, as identified above, is considered a violation of the terms and conditions of PTIO P0107564 and ORC 3704.05(C).

- (b) *Requested action:*

With respect to the VOC emissions exceedance, Ohio EPA acknowledges that the hourly VOC emissions limitation while burning natural gas established in PTIO P0107564 was established using an emissions factor of 0.0559 lb VOC/ton HMA. After evaluating the emissions factor, Ohio EPA will consider amending the hourly VOC emissions limitation based on the results of the emissions testing performed on August 17, 2017.

With respect to the SO₂ emissions exceedance, Ohio EPA acknowledges that the hourly SO₂ emissions limitation while burning natural gas established in PTIO P0107564 was established using an emissions factor of 0.0046 lb SO₂/ton HMA published in U.S. EPA's *Compilation of Air Pollutant Emission Factors (AP-42)* and that Ohio EPA no longer uses

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the published emissions factor to establish SO₂ emissions limitations. Ohio EPA will consider amending the hourly SO₂ emissions limitation based on the results of the emissions testing performed on August 17, 2017.

Within 30 days of receipt of this letter, Shelly 61 shall submit a compliance plan to Ohio EPA that identifies how the facility will address the VOC and SO₂ emissions exceedances identified above and/or investigate the cause of the emissions exceedance and submit the necessary material information for consideration by Ohio EPA.

Conclusion

The Ohio EPA requests that Shelly 61 promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 30 days of receipt of this letter, please provide, to Ohio EPA, the documentation requested above. If you have already resolved the violations listed above, thank you, and please provide documentation supporting compliance.

Failure to comply with Chapter 3704. of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, Shelly 61 is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact Ben Halton by phone at (614) 728-3809 or by e-mail at benjamin.halton@epa.ohio.gov.

Sincerely,



Kelly Saavedra
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Kelly Toth, Manager, DAPC/CDO

e: James Kavalec, DAPC/CO
John Paulian, DAPC/CO
Kelly Saavedra, Supervisor, DAPC/CDO
Ben Halton, DAPC/CDO

KS/ct Shelly # 61 – Stack Test NOV

/bc: Brian Dickens, USEPA, Region V